App. F. IX-4

1927.

(Courts)

File No. 77-27

Serial Nos. 2

Previous References

do 77-27-1

PRESERVED

Later References

General and Revenue Secretariat.

Serial Nos. One

Part B for May 1928

SUBJECT

Re the issue and execution of warrants when the warrantee is a prisoner whose term of imprisonment is about to expire

G.O. No. P 6714-24 dt 3-5-28

To the I.G. of Police
" I.G. of Prisons
" Registrar Civil Courts
" D.I.s of Distts

Passes orders on the above

M. Gunjan
21/5/28.

3472/927

App. F. III—2]

General and Revenue Secretariat. | No. File No. 77 of 1927.

Serial No.

Ref

Kind reference is invited to para 6 of fo. no P 1754-8/CS'77-27-1 dt 29.9.1927 stating that the revision of the forms nos 68 and 69 - criminal under the Prisoners' Testimony Regulation involves the amendment of the Regulation and separate orders will be passed on this suggestion.

2) The proposal of the Govt. to keep the warrant operative until the warrantee is actually surrendered seems to cast away the object of the inspect. The Chief Court may perhaps be consulted on the point of legality of amendment as suggested by the Govt of Mysore

Please bring up

B/
16.1.28

Ref

3) Under section 2 of the Mysore Prisoners' Testimony Regulation criminal courts may make orders for the production of prisoners confined in any gaol on the forms in Schedule A or B as annexed. The forms fix the date on which the prisoners is to be produced. The proposal of the Govt of Mysore is to amend the form so as to make the warrant

NOTE—Contn. sheet.

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executable even after the date fixed. In order to give effect to this ~~reco~~ proposal, the forms may be amended as follows:

4

In Schedules A and B under the Oaths & Names Testimony Regulation, after the words "in the forenoon of the same day," substitute "or as soon thereafter,"

19-1-28

5 Reference is invited to paras 68 & 69 of the notes in the file No 77-27 Genl. pertaining. (x).

As suggested there in para 68, the Chief Court may be consulted.

Legd. 24/1

6

Legd. As suggested above the Chief Court may have to be consulted before the Amendment can be taken up. This may perhaps be done in the Protector Branch staff.

27/2

7 If there is no objection, further action may kindly be taken in the file proposed.

Asstt. Secy Protector Establishment 29/2

The Law Secy directed that this question may be considered by the administrative Branch on the lines on which amendment has to be made and after orders a draft bill may be forwarded for further action. This may therefore be sent to the Forms section

14/2/28 (Forms section) 14/2

Law Secy

15/2

Secy

NOTE—Contd. sheet.

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667

3

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8

A process issued by a Criminal Court against a prisoner, which his term of imprisonment is about to expire, for his appearance after his release is a process to be executed by the police after his release and the Court has to ascertain and inform the Police in due time of the date of his release in such cases.

9 The amendment of the forms referred to in para 3 (iii) of the Be. dt. 29.9.27 as indicated therein involves also an amendment of S. 9 of the Pr. Restrn. Regn., as under this section, as it now stands, an order under S. 2 of the Regn. in respect of a prisoner who " is in custody for a period which would expire before the expiration of the time required for removing him ... and for taking him back to the jail in which he is confined " is an order which " the officer in charge of the jail shall abstain from obeying ". No legislation in this direction appears to have been contemplated when the Be. dt. 29.9.27 was passed - vide paras. 70 to 71 of the notes in the file relating to this Be. dt.

10 For these reasons no further action seems to be necessary regarding para. 6 of the Be. dt.

Secy. [illegible]

3/3

I agree with the above & have already expressed an opinion (vide para 10/14 ante)

Gen'l Secy. 7/4

with Compts.

7/4

Orders :-

[illegible]

NOTE—Contn. sheet

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12 Subd. Necessary orders in accordance with the opinion of para 10 supra may perhaps issue from the Political Branch as the original G.O. was issued there.

13. For orders Attention is invited to para above 11/14

14 Asst Secy Political Branch 12/4

15 12/4

16 Typist 17/4

17 Please put up a typed draft as revised. 17/4

18 Submitted with a typed draft as revised 8656 19/4

19 Secy 19/4 Draft may be approved 19.4

Secy's initials 20/4

20 30/4/20

NOTE—Contn. sheet 20/4 30/4

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2 The Rg. of Salem
— " — Prisons
— DN. of Pts.
— Regr. Coll.

P.P. 6714-24 of 3.5.28

Directs that warrants of consts. under the Prisoners Testimony Regulation have to be addressed to & executed by the police, & not by the jail authorities

B 2516/1927

NOTE—Contn. sheet.

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Cls 77-27.2

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

R e a d---

Para 6 of G.O.No.P. 1754-8/Cts. 77-27-1 dated 29-9-1927 directing that separate orders will be passed on the suggestion of the District Magistrate, Mysore District to revise Forms Nos. 68 and 69-Criminal-prescribed under the Prisoners Testimony Regulation.

O r d e r, No. P 6714-24

Dated, Bangalore the 3/5/28

~~On further examination of the question,~~ Government consider it inexpedient to amend the Prisoners Testimony Regulation and revise the Forms referred to above ~~as suggested.~~

~~suggested~~ For revising the Forms as Govt consider it inexpedient to amend the Pr. T. Regn for the purpose of revising the Forms ~~as~~ in the manner proposed by the Dist. Magte as such amendment will involve detainment in a person in custody by the ~~Police~~ Jail authorities after his release is sought. & Warrants of Courts in such cases have to be addressed & executed by the Police & Jail authorities.

Secy. to Govt. Law Dept.,

To The manner

The I.G. of Prisons.
The I.G. of Police.
The D.M. Mysore.
The D.M. Bangalore.
The Regr. C.Court.
~~The Registrar~~ Jail

Copies to the Dist Magte

TD

SO

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 6714-24—Cts. 77-27-2, dated 3rd May 1928.

Warrants.

Passes orders *re* the issue and execution of —— when the warrantee is a prisoner whose term of imprisonment is about to expire.

READ—

Paragraph 6 of Government Order No. P. 1754-8—Cts. 77-27-1, dated 29th September 1927, directing that separate orders will be passed on the suggestion of the District Magistrate, Mysore District, to revise Forms Nos. 68 and 69-Criminal-prescribed under the Prisoners' Testimony Regulation.

ORDER NO. P. 6714-24—CTS. 77-27-2, DATED 3RD MAY 1928.

Government consider it inexpedient to amend the Prisoners' Testimony Regulation for the purpose of revising the Forms in the manner proposed by the District Magistrate as such amendment will involve detaining a person in custody by the Jail authorities after his release is due. Warrants of Courts in such cases have to be addressed to and executed by the Police and not by the Jail authorities.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The Inspector-General of Prisons.
The Inspector-General of Police.
The Registrar, Chief Court.
The District Magistrates of Districts.

Exd.—P.S.R.N.

WD 2875--GPB--587--16-5-28.